

**SUPREME COURT MINUTES
THURSDAY, APRIL 7, 2005
LOS ANGELES, CALIFORNIA**

The Supreme Court of California reconvened in its courtroom in the Ronald Reagan State Office Building, Third Floor, South Tower, 300 South Spring Street, Los Angeles, California, on April 7, 2005, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, Brown and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Calendar Coordinator.

S126182 The People, Plaintiff and Respondent

v.

Kevin Michael Black, Defendant and Appellant

Cause called. Eileen S. Kotler argued for Appellant.

Lawrence Daniels, Office of the Attorney General, argued for Respondent.

Ms. Kotler replied.

Cause submitted.

S111985 The People, Plaintiff and Respondent

v.

Gerardo Perez, Defendant and Appellant

Cause called. Lise Jacobson, Office of the Attorney General, argued for Respondent.

Michael Ian Garey argued for Appellant.

Ms. Jacobson replied.

Cause submitted.

Chief Justice Ronald M. George, not participating in consideration of the following case, did not take the bench.

The Honorable Miriam A. Vogel, Associate Justice, Court of Appeal, Second District, Division, One, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

Justice Janice R. Brown, not participating in consideration of the following case, did not take the bench.

The Honorable Rebecca A. Wiseman, Associate Justice, Court of Appeal, Fifth District, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the Court at the bench.

S118489 Johana Gomez, as Administrator, etc., Petitioner

v.

The Superior Court of Los Angeles County, Respondent
The Walt Disney Company, et al., Real Parties in Interest

Cause submitted. Richard A. Derevan argued for Real Parties in Interest.

Barry Novack argued for Petitioner.

Mr. Derevan replied.

Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Justice Vogel, not participating in the following matters, did not join the bench. The Court is rejoined at the bench by Chief Justice George.

Justice Wiseman, not participating in the following matters, did not join the bench. The Court is rejoined at the bench by Justice Brown. All other members of the Court and officers were present as before shown.

- S121933 Lionel Smith, dba Liberty Paper Company, Plaintiff and Respondent
 v.
 San Paolo U.S. Holding Company, Inc., Defendants and Appellants
 Cause called. Steven N. Richman opened argument for Appellants.
 Andrew L. Frey, appearing for Amicus Curiae The Chamber of
Commerce of the United States, continued argument for Appellants.
 Andre Jardini opened argument for Respondents.
 Daniel U. Smith, appearing for Amicus Curiae Consumer Attorneys
of California, continued argument for Respondents.
 Mr. Richman replied.
 Cause submitted.
- S121723 Greg Johnson et al., Plaintiffs and Respondents
 v.
 Ford Motor Company, Defendant and Appellant
 Cause called. Erwin Chemerinsky argued for Respondent.
 Theodore J. Boutrous, Jr. argued for Appellant.
 Mr. Chemerinsky replied.
 Cause submitted.
- S113725 Discover Bank, Petitioner
 v.
 The Superior Court of Los Angeles County, Respondent
 Christopher Boehr, Real Party in Interest
 Cause called. Brian R. Strange opened argued for Real Pary in
Interest.
 F. Paul Bland, Jr. continued argument for Real Party in Interest.
 Julia B. Strickland argued for Petitioner.
 Mr. Strange replied.
 Cause submitted.

Court recessed until 9:00 a.m., Friday, April 8, 2005.

S132664
G035253 Fourth Appellate District,
Division Three

FULLERTON POLICE DEPT. v. S.C. (SHANE J.)
Petition for review and application for stay denied

S033360

PEOPLE v. WALLACE (KEONE)
Extension of time granted

to June 3, 2005 to file appellant's reply brief.
Extension is granted based upon counsel David
Joseph Macher's representation that he
anticipates filing that brief by 6/3/2005. After
that date, no further extension will be granted.

S043628

PEOPLE v. CARRINGTON (CELESTE)
Extension of time granted

to June 6, 2005 to file appellant's reply brief.
After that date, only one further extension
totaling about 60 additional days will be
granted. Extension is granted based upon
Deputy State Public Defender Kathryn E.
Collier's representation that she anticipates filing
that brief by 8/6/2005.

S051451

PEOPLE v. VALENCIA (ALFREDO)
Extension of time granted

to May 11, 2005 to file appellant's opening brief.
After that date, only one further extension
totaling about 30 additional days is
contemplated. Extension is granted based upon
Assistant State Public Defender Donald J.
Ayoob's representations regarding the status of
preparation of the appellant's opening brief.

S054291

PEOPLE v. LEONARD (ERIC)
Extension of time granted

to May 16, 2005 to file appellant's reply brief.
Extension is granted based upon counsel Wesley
A. Van Winkle's representation that he
anticipates filing that brief by 5/16/2005. After
that date, no further extension will be granted.

S075725

PEOPLE v. JONES (KIONGOZI)
Extension of time granted

to May 27, 2005 to file appellant's opening brief.

S075727

PEOPLE v. JOHNSON (CEDRIC JEROME)
Extension of time granted

to June 3, 2005 to file appellant's opening brief.
The court anticipates that after that date, only four further extensions totaling about 210 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

S122384

STURM (GREGORY) ON H.C.
Extension of time granted

to April 29, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 90 additional days will be granted. Extension is granted based upon counsel Gary D. Sowards's representation that he anticipates filing that document by 8/1/2005.

S125590

H025069 Sixth Appellate District

SIEBEL v. MITTLESTEADT
Extension of time granted

Respondent's time to file the reply brief on the merits is extended to and including April 20, 2005.

S128031

KOONTZ (HERBERT H.) ON H.C.
Extension of time granted

to May 3, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is

granted based upon Deputy Attorney General Harry Joseph Colombo's representation that he anticipates filing that document by 5/31/2005.

S128935

G032276 Fourth Appellate District,
Division Three

QUEST INTERNATIONAL v. ICODE CORP.

Extension of time granted

to May 6, 2005 to file respondent's answer brief on the merits

S129612**BONILLA (STEVEN) ON H.C.**

Extension of time granted

to May 4, 2005 to file the informal response to the petition for writ of habeas corpus. Extension is granted based upon Deputy Attorney General Bruce Ortega's representation that he anticipates filing that document by 5/4/2005. After that date, no further extension will be granted.

S129852

B166937 Second Appellate District,
Division Six

PEOPLE v. GILES

Extension of time granted

to April 25, 2005 to file appellant's opening brief on the merits.

S130157

A101459 First Appellate District,
Division Three

PEOPLE v. WILSON

Extension of time granted

to May 6, 2005 for appellant to file opening brief on the merits.

S130457

D044209 Fourth Appellate District,
Division One

J. (OLIVIA), IN RE

Counsel appointment orders filed (2)

(1) Upon request of appellant Olivia J., a Minor, for appointment of counsel, Alice C. Shotton is hereby appointed to represent appellant on her appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days

from the date of this order.

Your attention is directed to California Rules of Court, rule 29.1, for the briefing requirements. Please note also that, because this is a child dependency case, the court may grant an extension of time only on “an exceptional showing of good cause.” (Code Civ. Proc., § 45; California Rules of Court, rule 38.2(d).)

- (2) Upon request of appellant Otis J., for appointment of counsel, Kathleen Murphy Mallinger is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant’s brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

Your attention is directed to California Rules of Court, rule 29.1, for the briefing requirements. Please note also that, because this is a child dependency case, the court may grant an extension of time only on “an exceptional showing of good cause.” (Code Civ. Proc., § 45; California Rules of Court, rule 38.2(d).)

S130570

B166204 Second Appellate District,
Division Six

PEOPLE v. LEE

Counsel appointment order filed

Susan Stone appointed to represent appellant on the appeal now pending in this court.

S130777

B166502 Second Appellate District,
Division Four

PEOPLE v. WHITE

Counsel appointment order filed

Patricia Scott appointed to represent appellant on his appeal now pending in this court.

S131011

H026885 Sixth Appellate District

PEOPLE v. HARLESS

Counsel appointment order filed

Marylou Hillberg appointed to represent appellant on the appeal now pending in this court.

S131146

B171776 Second Appellate District,
Division Four

PEOPLE v. MATAMOROS

Counsel appointment order filed

Linn Davis is hereby appointed to represent
appellant on his appeal now pending in this
court.

S131166

B171848 Second Appellate District,
Division Four

PEOPLE v. FRAUSTO

Counsel appointment order filed

Marta Stanton appointed to represent appellant
on her appeal now pending in this court.

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 3, 4, and 5, 2005**

(FIRST AMENDED)

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom, located at 350 McAllister Street, Fourth Floor, San Francisco, California, on May 3, 4, and 5, 2005.

TUESDAY, MAY 3, 2005 – 9:00 A.M.

S124286	Snowney v. Harrah's
S114097	Mackey v. Department of Corrections
S123790	People v. Seijas (Larry)

1:30 P.M.

S114829	Maynard v. Brandon
S119975	People v. Athar (Syed)
S037195	People v. Kennedy (Jerry) (Automatic Appeal)

WEDNESDAY, MAY 4, 2005 – 9:00 A.M.

S123042	In re Silverton on Discipline
S120677	People v. Sorden (Joseph)
S122060	Coachella Valley Mosquito & Vector Control Dist. v. CA Public Employment Relations Bd. (CA School Employees Assoc., Real Party in Interest)

1:30 P.M.

S112386	Wasatch Property Management v. Degrate
S012945	People v. Davis (Stanley) (Automatic Appeal)

THURSDAY, MAY 5, 2005 – 9:00 A.M.

S115495	O'Riordan v. Federal Kemper Life Assurance
S123238	MW Erectors v. Niederhauser Ornamental & Metal Works
S126630	Le Francois v. Goel

1:30 P.M.

S019697	People v. Ward (Carmen) (Automatic Appeal)
S039632	People v. Wilson (Robert) (Automatic Appeal)

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.